

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

V.

ERNEST M. HANAN,

Defendant.

8:04CR146

ORDER

Pursuant to (1) the Opinion of the Eighth Circuit Court of Appeals remanding this case to the district court for resentencing pursuant to *United States v. Booker*, 125 S. Ct. 738 (2005), and (2) the Motion for Rule 35 Hearing (Filing No. 52),

IT IS ORDERED:

1. That a hearing regarding the defendant's resentencing and the Rule 35 Motion is scheduled before the undersigned on **September 1, 2006, at 11:00 a.m.**, Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The defendant must be present for this hearing.

2. The U.S. Marshal's Office is directed to return the defendant to this district for the above hearing.

3. The status hearing on the Rule 35 motion, which is scheduled for July 31, 2006, at 1:00 p.m., is canceled.

DATED this 27th day of July, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge